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Convention on the Elimination of All Forms of Discrimination against Women

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Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined fourth to eighth periodic reports of Saint Vincent and the Grenadines

Addendum

Replies of Saint Vincent and the Grenadines**

[Date received: 12 February 2015]

* CEDAW/C/61/1.
** The present document is being issued without formal editing.

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Constitutional, legislative and institutional framework

1. Saint Vincent and the Grenadines engaged in its referendum exercise in 2009, not in 2010. Article 13 of the Constitution prohibits discrimination on the grounds of sex. What the State of Saint Vincent and the Grenadines was seeking to achieve with the referendum was to strengthen that provision and an entire package of rights for all persons, including women. The State is committed to strengthening same though legislation. It is unlikely in the short to medium term that constitutional amendments, which require a two-thirds majority in a popular referendum, would be scheduled.

Saint Vincent and the Grenadines is committed to achieving the aims outlined in Article 2 of the Convention but the State does not start with a blank slate. There is substantial protection already for women in existing legislation and at common law through judge-made law.

The provisions of the Laws of Saint Vincent and the Grenadines are not discriminatory against women but the State seeks always in practical terms through further statute law and administrative provisions to ensure that the laws protecting women are given optimal practical meaning.

2. 2) Section 146 of the Criminal Code criminalises buggery in the following terms:

> Any person who —
>
> *(a) commits buggery with any other person;*
>
> *(b) commits buggery with an animal; or*
>
> *(c) permits any person to commit buggery with him or her, is guilty of an offence and liable to imprisonment for ten years.*

Section 148 of the Criminal Code criminalises "indecent practices between persons of the same sex" in the following terms:

> *Any person who, whether in public or private, commits any act of gross indecency with another person of the same sex, or procures or attempts to procure another person of the same sex to commit an act of gross indecency with him or her, is guilty of an offence and liable to imprisonment for five years.*

These provisions have existed from time immemorial and the precepts underlying them have overwhelming public support in our Christian society, which adopts this bundle of Judeo-Christian values in our Caribbean context. However, the State acknowledges that changes in these values are occurring particularly among sections of the young people, largely as a consequence of influences from outside. This matter therefore is always under review; and the Committee ought to appreciate all these national sensitivities and the existing value system.

National Machinery for the advancement of women

3. **a)** What is now known as the "Gender Affairs Division" was formerly the Women's Desk. The Desk was established as a Desk in 1985 during the Decade for Women under the auspices of the Ministry of Tourism, Aviation, Culture and Women's Affairs. This Desk was to inform Government on policy relating to

Women and to be the co-coordinating link between government ministry and agencies and women's organizations.

In 1987 the Desk was upgraded to a Division of Women's Affairs. The Division's main thrust was to help women recognize and realize their full potential as individuals and create awareness for their integration in national development in partnership with men.

The Women's Affairs Department was changed to Gender Affairs Division during the First Sitting of the Eight Parliament on December 29th 2005. Since then, the Division has been located under the Ministry of National Mobilisation, Social Development, Gender, The Family and Youth and was given the mandate to restructure, catering to Gender mainstreaming. With this new mandate the Division has been working at incorporating gender issues into the national agenda.

The Division's present mission is to build a society where Vincentian men and women have equal access to opportunities as partners in shaping the social, cultural, spiritual, economical and political development of Saint Vincent and the Grenadines.

b) In 2004, Gender Mainstreaming took off to a promising start

The main aim of aim of the Gender Affairs Division is to ensure that gender mainstreaming is effectively taking place in Saint Vincent and the Grenadines. To achieve this outcome, representatives from the Ministry of Finance, the Gender Affairs Division and a team of Gender Experts will work together to define and design strategies to engage gender analysis in Ministry of Finance operations, including budget planning and other economic policy formulation and planning. Specific activities include setting-up a process that supports the advisory and strategic role that the Gender Affairs Division has to play in mainstreaming gender in the Ministry of Finance, and providing training on gender mainstreaming and gender mainstreaming tools to officials in both departments.

c) The Human and Financial Resources

The Gender Affairs Division budgetary allocation is not standard; it is a three-year rolling budget.

2012	2013	2014
221,432	252,262	238,031

Presently, the staff of the Gender Affairs Division comprises four (4) permanent staff members, one appointed officer and a clerk/typist totalling six (6) persons overall.

4. Support is also provided to the National Council of Women which is a Non-Governmental umbrella body representing various women's organizations. Collaboration continues between the Government and the National Council of Women in several key areas including the hosting of events to mark International Women's Day, among others. The Government of Saint Vincent and the Grenadines provides a yearly grant to the National Council of Women, which the organization utilizes to carry out its work of advocacy on women's issues.

Stereotypes and harmful practices

5. In an effort to combat stereotypes and harmful practices, the public is sensitized through gender socialization workshops, radio programmes and literature. Also,

The Division of Gender Affairs spearheaded the initiative for a gender module to be taught and institutionalized at the Teachers Training College. The importance of teachers receiving training in gender cannot be underscored enough since the teachers interface the most with young minds.

Violence against women

6. The Division of Gender Affairs partners with the Royal Saint Vincent and the Grenadines Police Force and the Ministries of Health, Agriculture and Education. Gender focal points exist in the Central Planning and Statistical Departments, which facilitate collaboration with the Division of Gender Affairs. The Division of Gender Affairs also sits on the Task Force for Health and HIV and the Task Force for Anti-Trafficking in Persons. Recently, the Division of Gender Affairs has spearheaded a project in collaboration with the Royal Saint Vincent and the Grenadines Police Force and the Statistical Department to strengthen the data collection procedures in an effort to better record reported incidents of Domestic Violence. The Division of Gender Affairs, along with its partners, has created a database in which sex disaggregated crime data is collected. As part of this initiative there now exists sex disaggregated data on several criminalized forms of gender-based violence and this data is both collected and housed by the Royal Saint Vincent and the Grenadines Police Force. This initiative is particularly essential considering the urgent need for evidence-informed state responses. It also demonstrates the possibilities for partnerships across departments to address Gender Based Violence.

The National Action Plan and budget are being developed and the Plan has not yet been presented to Cabinet. This is presently been looked at.

7. Correction: The Committee states as follows in question 7: "The State party also mentions that two family courts in the country have jurisdiction to enforce the protections outlined in the Act". There is one family court in Saint Vincent and the Grenadines.

a) The Domestic Violence (Summary Proceedings) Act is both criminal and civil. For example there is a criminal sanction under the Act for a breach of a protection order. Section 5(1) of the Act renders the breach of a protection order an offence that upon conviction carries a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or both such fine and imprisonment. The Act itself does not criminalize domestic violence but the Criminal Code Act covers many offences, which may constitute domestic violence.

b) It is true that the Domestic Violence (Summary Proceedings) Act does not provide a definition of domestic violence but it does not follow that the Act does not protect against sexual violence, stalking or psychological harm. The scope of the meaning of "domestic violence" in the Act is potentially very broad because it will be interpreted by the courts with reference to the provisions of the Act and of other existing legislation and, where local legislation permits, in line with the treaty obligations of Saint Vincent and the Grenadines. Section 4 of the Act is of paramount importance to the protection of domestic violence victims. The

protection order issued by the court may prohibit the respondent from entering or remaining in the household residence, any area specified by the court or the place of work or education of the prescribed person (victim of domestic violence).

The protection order of the court may also prohibit the respondent from molesting the prescribed person by besetting the household residence, place of work or education of the prescribed person, following or waylaying the prescribed person in any place, making persistent telephone calls to a prescribed person, or using abusive language to or behaving towards a prescribed person in any other manner which is of such nature and degree as to cause annoyance to, or result in ill-treatment of, the prescribed person. The provision to this effect contained in section 4(1)(d) of the Act is clearly aimed at preventing, among other things, stalking. Thus, the claim of the Committee that the mere fact that domestic violence is not defined in the Domestic Violence (Summary Proceedings) Act leads to a dearth of protection from stalking is contradicted by the Act itself. The Act clearly gives the court the power to issue a protection order prohibiting stalking.

Section 4(2) specifies that the court must be satisfied of one of two conditions before granting the protection order, namely, 1) that the respondent has used or threatened to use, violence against, or caused physical or mental injury to a prescribed person and is likely to do so again or 2) that the respondent has committed or attempted to commit any sexual offence listed in Part VIII of the Criminal Code or has conducted himself in such a manner which is sexually offensive, and in either case having regard to all the circumstances, the order is necessary for the protection of a prescribed person. The court may also attach a power of arrest to the order. As seen above, one of the grounds on which the court can issue the protection order is where the respondent has caused mental injury to the prescribed person and is likely to do so again. Here the Act protects victims of domestic violence from mental injury. The second ground on which the court may issue a protection order is where the respondent has committed or attempted to commit any sexual offence listen in Part VIII of the Criminal Code. This also protects victims of domestic violence from sexual violence.

Additional protection is offered by section 4(3), which allows for an application for a protection order without notice to the respondent where the court is satisfied that otherwise there might be risk to the personal safety of the prescribed person or serious or undue hardship. This application without notice, if successful, results in an interim order, which may be discharged upon the application of either party. It protects the victim of domestic violence (in the interim) until the court can hear the respondent party and make a final order.

Other sections in the Domestic Violence (Summary Proceedings) Act provide for the grant of occupation orders and tenancy orders. Section 8(1) outlines the effect of the occupation order thus: *"Where an occupation order is made the prescribed person to which it relates shall be entitled, to the exclusion of the respondent, personally to occupy the household residence to which that order relates."* This order may protect the victim of domestic violence from an abusive spouse (whether legal or common law) whose presence in the household may expose the victim to sexual violence or psychological harm. The effect of the tenancy order is outlined in section 13(1) of the Act in this way: *"Where a tenancy order is made the applicant shall, unless the tenancy is sooner determined, become the tenant of the dwelling-house upon and*

subject to the terms and conditions of the tenancy in force at the time of the making of that order, and the respondent shall cease to be the tenant".

c) The Act applies to all members (including all women) of the household in question. Section 3 outlines the persons who are entitled to apply under the Act. The spouse of the respondent (being the spouse in respect of whom the alleged conduct has been, or is likely to be perpetrated by the respondent) may apply under the Act. The term "spouse" is defined in section 2 of the Act to include a former spouse, common law spouse or former common law spouse. The term "common law spouse" is defined as someone of the opposite sex who is living with that person as husband or wife although not legally married to that person. Any member of the household may also apply on his or her own behalf or on behalf of another member of the household (section 3(1)(b)). Additionally, a parent or relative of either spouse not being a member of that household may also apply under the Act (section 3(1)(c)). The Act does not apply to all women in a vacuum. It applies to all women (and men) who live together as husband and wife whether legally married or not.

As to whether any steps are being taken to review the Act and broaden the scope of the definition of domestic violence to comprise acts of sexual and psychological violence within de facto unions, the Government of Saint Vincent and the Grenadines is committed to taking all steps necessary to eliminate all forms of domestic violence but respectfully disagrees with the Committee's assertion that the scope of the definition of domestic violence is not sufficiently broad to include acts of sexual and psychological violence. As outlined above, the Domestic Violence (Summary Proceedings) Act makes provision for the prevention of mental injury and sexual violence.

While there is no offence called 'domestic violence' in the Criminal Code, the Criminal Code criminalizes many acts, which in many cases constitute domestic violence. Chapter VIII of the Criminal Code contains the provisions on sexual offences. Some noteworthy sexual offences are listed below:

123. Rape

(1) A man who rapes a woman is guilty of an offence and liable to imprisonment for life.

(2) A man commits rape if —

(a) he has unlawful sexual intercourse with a woman who at the time of intercourse did not consent to it; and

(b) at that time he knew that she did not consent to the intercourse or he was reckless as to whether she consented or not.

(3) If at a trial for a rape offence the court has to consider whether a man believed that a woman was consenting to sexual intercourse, the presence or absence of reasonable grounds for such belief is a matter to which the court is to have regard, in conjunction with any other relevant matters, in considering whether he so believed.

(4) In subsection (3), a ***"rape offence"*** *means any of the following namely, rape, attempted rape, aiding, abetting, counselling and procuring rape or attempted rape, and incitement to rape.*

(5) For the purpose of this section a woman is deemed not to have consented to sexual intercourse if her consent is obtained by threat or force, or by use of force, or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act or, in the case of a married woman, by personating her husband.

127. Indecent assault

(1) Any man who indecently assaults any person is guilty of an offence and liable —

(a) if on a child under the age of fifteen, to imprisonment for five years; and

(b) in any other case to imprisonment for two years.

(2) A child under the age of fifteen cannot in law give consent which would prevent an act being an assault for the purpose of this section.

138. Procurement of a woman by threats

Any person who procures, or attempts to procure, a woman by threats or intimidation to have unlawful sexual intercourse, whether within Saint Vincent and the Grenadines or elsewhere, is guilty of an offence and liable to imprisonment for two years.

Other crimes contained in the Criminal Code that are reasonably referable to domestic violence include:

202. Abducting female with intent to marry, etc.

Any person who abducts any female with intent to marry or to have sexual intercourse with her, or to cause her to be married or to have sexual intercourse with any other person, is liable to imprisonment for fourteen years.

192. Common assault

Any person who unlawfully assaults another is guilty of an offence and, if the assault is not committed in circumstances for which a greater punishment is provided by this Code or any other law, is liable to imprisonment for one year.

192. Assault Causing Actual Bodily Harm

Any person who commits an assault causing actual bodily harm is guilty of an offence and liable to imprisonment for one year.

Steps are being taken to review the Act and broaden the scope of the definition of domestic violence. The harmonised model Domestic Violence Bill presented by the Secretariat of the Organisation of Eastern Caribbean States (OECS) as part of the harmonised model Family Law Bills is on the current agenda of the Attorney General's Chambers for review with the aim to put forward that document as a final document for submission to the Minister with responsibility for family and social development. The Bill is in the final stages of preparation and it is anticipated that the document will be completed at the earliest by the end of February 2015.

The Model Bill will impact on two existing pieces of legislation directly pertaining to domestic violence. These are:

1. The Domestic Violence and Matrimonial Proceedings Act, Chapter 227 of the 2009 Revised Edition of the Laws of Saint Vincent and the Grenadines; and

2. The Domestic Violence (Summary Proceedings) Act, Chapter 228 of the 2009 Revised Edition of the Laws of Saint Vincent and the Grenadines.

The Model Bill states that it seeks to provide greater protection for victims of domestic violence and to make provision for the granting of protection orders and for matters incidental thereto and connected therewith.

Some of the recommendations, which guide the reform in this area of domestic violence, are as follows:

(a) It is felt that confining eligibility for protection orders to residential unions omits a large class of persons from protection. Such list of persons eligible to make an application for a protection order should be extended to persons in visiting relationships and to persons who have a child in common even though the persons have not cohabited.

(b) The legislation should give a wide range of persons the authority to intervene on applications made on behalf of children experiencing domestic violence. Additionally, police officers should be empowered to make applications on behalf of battered spouses.

(c) It was recommended that a comprehensive definition of domestic violence be drafted which takes into account all forms of violence and threats of violence which defines the same to include "physical, sexual, emotional or psychological or financial abuse" and a pattern of behaviour of any kind, the purpose of which is to undermine the emotional and mental well-being of a person. The use of financial abuse is based on the understanding that many perpetuators of domestic violence use the withholding of money or the taking away of money as a method of control over the victim.

No measures being taken or envisaged to introduce domestic violence into the Criminal Code because of the wide range of offences covering various acts of domestic violence which exist in the Criminal Code (as outlined above).

8. While there have been no steps to explicitly outlaw and criminalize sexual harassment, the Criminal Code covers indecent assault, common assault and assault causing actual bodily harm.

9. While the Criminal Code does not specifically speak to marital rape, the law is interpreted so as to include rape within a marriage. The courts have recognized marital rape since the landmark case from the United Kingdom of R v R [1992] 1 A.C. 599. It is now settled law that a husband is not immune from a charge of rape of his wife. Amendments to the current legislation may well codify the common law, but the protection exists under the common law.

There has been a recommendation from the Office of the Director of Public Prosecutions to amend the definition of the offence of rape as a part of the overall review of the Criminal Code. The suggested change states: "A person commits an offence if he or she intentionally penetrates the vagina, anus or mouth of another person with his penis without the consent of the other person and without reasonably believing that the other person consents."

10. Please note that protection or occupation orders under the Domestic Violence (Summary Proceedings) Act are issued by the Family Court, which is a Magistrate's Court (not a High Court) as indicated in the Committee's question.

The existence of a hotline for domestic violence victims to call when they are in danger protects these victims from reprisals by perpetrators. The threat of sanctions under the Domestic Violence (Summary Proceedings) Act for breach of a protection order acts as a deterrent in preventing reprisals by perpetrators. Further, breach of the occupation and tenancy orders will result in sanctions under section 115 of the Criminal Code which reads: *"Any person who wilfully disobeys any order, warrant or command duly made, issued or given by any court, officer or person acting in any public capacity and duly authorised in that behalf, is guilty of an offence and liable to imprisonment for two years"*.

This too deters reprisals by perpetrator.

The Government established the Crisis Centre in April 2012 to provide residential services for victims of domestic violence and their children. The Centre ensures that women are counselled, rehabilitated and empowered in a secure environment. It is situated in an undisclosed location.

11. An immediate response is made to victims of domestic violence through a hotline, with the support of the Police and the victim is ushered to the nearest place of safety.

Trafficking

12. In a recent address, in the presence of the Ambassador of the United States to Barbados and the Eastern Caribbean, the Prime Minister of Saint Vincent and the Grenadines rejected the United States Department of State's Trafficking in Persons Report 2014 which named Saint Vincent and the Grenadines as a source, transit and destination country for human trafficking. Accordingly, the State strongly disagrees with its designation as a source and destination for trafficking in persons.

Saint Vincent and the Grenadines has made significant progress addressing issues relating to Trafficking in Persons, and remains deeply committed to the fight against Trafficking in Persons. Three human trafficking investigations were initiated in 2014 and five in 2013. The State cannot prosecute an offender if there is no crime committed during the reporting period. The State can only arrest and charge if there is sufficient evidence to do so and there is an independent office of the Director of Public Prosecutions to carry out these processes. The State continues to be very proactive in identifying any victim of trafficking and the State carries out a very widespread sensitization programme. The Anti-Trafficking in Persons Unit is required by law to produce a quarterly report on Human Trafficking.

Some important efforts to combat human trafficking in Saint Vincent and the Grenadines include:

1. Enactment of the Prevention of Trafficking in Persons Act, (No. 27 of 2011)
2. The establishment of the Anti-Trafficking in Persons Unit (ATIPU) in the Royal Saint Vincent and the Grenadines Police Force

3. Training Workshops on Trafficking in Persons for Government Officials and NGOs
4. Awareness Campaigns on Trafficking in Persons
5. Establishment of a Crisis Centre
6. Investigating of possible trafficking in persons case(s)
7. The formation of a National Task Force against TIP
8. Formation of Working Group against TIP
9. Tightening of the country's visa restrictions
10. A three-year National Action Plan (work in progress) has been developed to establish cooperation among the Organisation of Eastern Caribbean States (OECS) member States.

Participation in Political and Public Life

13. The Constitution does not provide a threshold or quota system for women in Parliament. However, the current Constitution does not disbar women from political life. At the time of writing, one of the six appointed Senators is a woman and one out of fifteen of the Parliamentary Representatives is a woman. The Attorney General who is a woman is recognized as a member of the House of Assembly. The Clerk of the House of Assembly (in some countries known as the Secretary General) is a woman. Therefore, the percentage of women in the House of Assembly (Parliament) is approximately 19%. This number has been higher in the past. In relation to women in public life, there are higher percentages of women in middle management and senior management positions than there are men.

Transmission of Nationality to Spouses

14. Section 93 of the Constitution outlines the persons who are entitled upon making an application to be registered as citizens. The provisions applicable to husbands and wives are identical save and except section 93(1)(f) which applies to women but not to men. Section 93(1)(f) reads: *any woman who, before the commencement of this Constitution, has been married to a person — (i) who becomes a citizen by virtue of section 90 of this Constitution; or (ii) who, having died before such commencement, would but for his death have become a citizen by virtue of that section,*

But whose marriage has been terminated by death or dissolution before such commencement.

Alleged Discriminatory Requirement that obliges mothers to obtain fathers' signature on passport application of the child

There is no requirement that the father must sign the passport application of a child who lives with his or her mother. There is no such requirement in the Passport Act neither is such a requirement imposed in administrative practice. Regulations 6(3) and (4) of the Regulations to the Passport Act read as follows:

> *(3) A person applying for a separate passport in respect of a child under the age of eighteen years shall apply on the appropriate form, forwarding such*

documents of identification as may be required by the authorized officer and where applicable documents of registration or naturalization.

(4) Notwithstanding the provisions of paragraph (3) of this regulation no child under the age of eighteen years may be granted a passport without the written consent of the father or mother or other legal guardian or in the case of a child born out of wedlock the parent who has custody of such child or his legal guardian.

These regulations confirm that when applying for a passport for a child the signature of one parent or guardian would suffice.

Education

15. **Background to meeting students' needs through the National Curriculum and Assessment Framework**

To meet the demand for universal access to primary and secondary education of high quality, the National Curriculum and Assessment Framework (NCAF) is designed as a unitary twelve-year curriculum based on an inter-related spiral of learning outcomes that progressively meet the developmental levels of all Vincentian students, including those with special needs, as they pass from grade to grade. The learning outcomes are integrated and balanced not only to promote the cognitive development of every child, but also their affective and psychomotor development. (Draft NCAF 2006).

Health and Family Life Education as a means to address the issue of preventing unwanted Adolescent Pregnancy

One curriculum offering of the Ministry of Education is Health and Family Life Education, which is a core subject in the National Curriculum and Assessment Framework. Health and Family Life Education a comprehensive life-skill based programme focuses on the development of the whole person with the aim, inter alia to increase the ability to practise responsible decision-making about social and sexual behaviour.

The Health and Family Life Education Programme is a vital ingredient in combating a number of social ills, which continue to threaten the very fabric of our society. These include, negative peer pressure, violence, early and unwanted pregnancies, child sex abuse, disintegration of families, unhealthy sedentary life-styles etc.

The research suggests that competence in the use of life-skills can:

- Delay the onset of drug abuse
- Prevent high-risk sexual behaviours
- Facilitate anger management and conflict resolutions
- Improve academic performance
- Promote positive social adjustment

The life-skills inculcated in our students include:

- Decision making
- Problem solving

- Creative thinking
- Effective communication
- Interpersonal relationship skills
- Self-awareness
- Empathy
- Negotiation and refusal skills
- Assertiveness

Content

The curriculum is organized around four strands referred to as themes

The four themes/strands are:

1. Self and interpersonal relationships
2. Maintaining a healthy holistic lifestyle
3. Sexuality and Sexual health
4. Managing the environment

Sample lesson plans accompany the Health and Family Life Education manuals.

Some Methods/Strategies used to teacher Health and Family Life Education

- Role-play
- Panel discussions
- Drama
- Fish bowl
- Use of films/videos
- Field trips
- Lectures
- Peer sharing
- Debates

Recommended texts (Secondary level)

Health and Family Life Education Student's book 1, 2 and 3 by Gerald Drakes, Mavis Fuller, Christopher Graham and Barbara Jenkins.

The texts support the Curriculum themes, which include the theme Sexuality and Sexual Health and explores topics such as, coping with puberty, sexuality, gender and gender roles, teenage sexual choices, communication about sexual issues, unplanned teenage pregnancy, reproductive health risks, Choices to reduce risk, what does it mean to be ready ABCs — abstinence just wait, STIs, HIV/AIDS, sexual abuse, protecting myself, managing sexual feelings, money and sex, getting support.

The Ministry of Education works in collaboration with the Ministry of Health, Wellness and the Environment in relation to their Youth Guidance Programme and Counselling in the Health Care Service. Additionally, to ensure our teachers are equipped to deliver the life-skills based HFLE programme, our teachers access the training programme in HFLE, which is offered through the Community College, Division of Teacher Education.

The Ministry of Education avails itself of regional training, which relates to Health and Family Life Education through agencies such as the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), and Caribbean Community (CARICOM). As recent as September 2014, Saint Vincent and the Grenadines was represented at UNFPA's workshop on the "Integrated Strategic Framework for the Reduction of Adolescent Pregnancy in the Caribbean".

Since 2003, a total of 227 adolescent pregnant girls have benefitted from the programme.

Employment

16. The Board of the National services is responsible for the Implementation, Coordination and Monitoring of the National Insurance Service Act. The protection of Employment Act (2003) and The Equal Pay Act (1992) are implemented, coordinated and monitored through the Department of Labour. The Wages Council Act is monitored, implemented and coordinated through the Department of Labour. Financial and Human resources are monitored by Government's Machinery through the Department of Labour, the Ministry of Finance and Economic Planning.

There is no differentiation in wages according to gender. Wages are equal across the various sectors: For example:

Security Guards

$720.00 Per Month, $180.00 per week or $3.75 per hour

Security guard employed on a day-to-day

$30.00 for an 8-hour day or part thereof, or $3.75 per hour

Saint Vincent and the Grenadines Wages Regulations 2008, pg. 118

Distribution of employed by sex

This Information was captured by the population and housing census 2012 (Sex Sector, Industry, Age). However, the finding will be published later this year (2015) also the Department of Labour will be conducting a life survey which will include the information mentioned above.

Health

17. Sexual and reproductive health and rights are managed primarily through the Family Planning Unit in the Ministry of Health, Wellness and the Environment. The Family Planning Coordinator conducts a range of activities, including visits to secondary schools, technical institutions, as well as the four divisions of the St. Vincent and the Grenadines Community College, during which adolescents and teenagers are engaged in conversations about sexual and reproductive health issues,

including the availability of family planning services, sexually transmitted infections and contraceptives.

All persons over the age of 18 are guaranteed family planning services.. However, persons under the age of 18 must be accompanied by an adult. Persons under the age of 18 who are already parents are not required to be accompanied by an adult to access these services.

Measures are in place to disseminate information on contraceptive methods, including emergency contraceptives.

18. While abortion is generally illegal in Saint Vincent and the Grenadines, there are exceptions.

Section 149 (1) of the Criminal Code Cap 171 of the Revised Edition of the Laws of Saint Vincent and the Grenadines, 2009 (hereinafter referred to as "the Act") states that it is an offence for any person to unlawfully use any means with intent to procure the miscarriage of a woman, whether she is pregnant or not. This offence carries a term of up to fourteen years in prison.

Termination of a pregnancy is legal where:

a) It is performed by a medical practitioner in a hospital or other establishment approved for that purpose by the Chief Medical Officer, **and** two medical practitioners are of the opinion, formed in good faith that: 1) the continuation of the pregnancy would involve risk to the life of the pregnant woman, or injury to her physical or mental health or of any existing children of her family, greater than if the pregnancy were terminated; **or** 2) that there is substantial risk that, if the child were born, it would suffer from such physical or mental abnormality as to be seriously handicapped (section 149(2) of the Act);

b) It is performed by a registered medical practitioner in a case in which he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life of or to prevent grave permanent injury to the physical or mental health of, the pregnant woman (The proviso to section 149(2) of the Act);

c) It is performed in a hospital or other establishment approved for that purpose by the Chief Medical Officer, if the pregnancy had resulted from an act of rape or incest, whether or not any person had been charged with the offence of rape or incest which resulted in the pregnancy in question (section 149(4) of the Act).

It must be noted that a woman who attempts her own miscarriage is guilty of an offence (section 150 of the Criminal Code) and any person who unlawfully supplies poison, etc., with intent to procure a miscarriage is guilty of an offence (section 151 of the Criminal Code).

The requirement of spousal consent for tubal ligation is not in our laws. It is an administrative practice, which has been applied by the health authorities since colonial times. However, physicians using their discretion may perform tubal ligation without the consent of the spouse considering each patient's individual circumstances. Both parties to the marriage are counselled and it is explained that tubal ligation is a final decision in Saint Vincent and the Grenadines. If the husband does not agree to his wife not having tubal ligation and the wife is still desirous of having the procedure done, she will not be denied. The state grateful to the Committee for focusing our attention on this issue for public discussion in a range

of reforms, which are to be embodied in the elaboration of a Patient's Charter of Rights and Responsibilities, which the Honourable Prime Minister is opening up to parliamentary debate in his announcement in his budget address on January 28th 2015.

In this country there are no "backstreet abortions". They are all performed by qualified medical practitioners. The matter as to whether abortions by doctors have been done outside the framework of the law in any individual case has not been brought to the attention of the prosecuting authorities with any credible evidence for preferment of charges.

Our health statistics will show that statistically on an annual basis there are zero maternal deaths, occasionally there is one. If the number reaches two, the fact that there are two maternal deaths would trigger a serious investigation. In the year 2013 there were two maternal deaths.

As to whether the State envisages removing the harsh punitive legislative provisions imposed on women who undergo abortion, in line with the Committee's General Recommendation 24 (1999) on women and health, the State will put it under review for public discussion.

Disadvantaged groups of women

19. The Government of Saint Vincent and the Grenadines established the Farmer Support Company (FSC) in 2014 to facilitate credit delivery to farmers through a revolving fund of XCD$6 Million. The FSC is financed mainly through the Farm Support Programme. Loans extended attract an annual rate of interest of 2% on the declining balance.

Application for loans is open to all Vincentians. There is no discrimination based on gender, race, class, ethnicity or other affiliation. However, applicants must meet the following criteria:

1. Be a citizen of Saint Vincent and the Grenadines;
2. Be a registered farmer/agro-marketer;
3. Be operating/intend to invest in the banana, non-banana crops, poultry or arrowroot sub-sectors;
4. Have a feasible investment proposal that will facilitate making a profit and fully repay the loan; and
5. Must have a business plan for any loan request greater than EC$20,000. In which case the Ministry of Agriculture would provide assistance in the preparation of the business plans.

As at the 31st December 2014, 52 % (284) of the rural women who applied for loans have received credit. These loans were used to make investment in a number of businesses ranging from root crop production to marketing.

Although it is believed that the FSC is providing a valuable service, especially since it allows persons who would not have otherwise had access to credit through a regular financing institution to access credit, there has not been any formal impact assessment done to determine the true impact of the intervention.

National Development Foundation was incorporated on 26th October 1983 as a private non-profit development organization. Its main purpose is to promote self-help development among the less privileged sectors primarily through the provision of credit, technical assistance and training in the initiation and/or development of owner managed enterprises.

20. The Government of Saint Vincent and the Grenadines provides access to **health-care services** throughout Saint Vincent and the Grenadines through rural clinics, polyclinics and hospitals. There is no specialized health care facility or service for rural women since they are not discriminated against in accessing these services. Currently, there are 32 rural clinics and 5 rural hospitals, which provide services specifically for women among other services. These include anti natal, Pap smear, postnatal, breast examination and family planning services. Rural women have been accessing these services at no cost to them. Wherever there is a cost applied to the service, this is done for all Vincentian (men and women) ages 18 to 60 years. Where the healthcare services are offered only at hospital in Kingstown, they are made available to everyone including rural women. The extent to which these women are actually able to access these services would depend on their individual situation such as their ability to pay for the services, and not that they are denied access to them.

In terms of **childcare services**, measures have been taken to facilitate and enhance access for rural women. The Government has constructed nine (9) preschools and plans are in place to construct another nine (9). Eight (8) of these preschools are in rural communities, including one (1) in the area with the largest percentage of persons of Amerindian descent. These schools target persons within the low income group and have been quite beneficial to rural women who can now leave their children at these preschool free of cost while they engage in various forms of livelihood activities.

There is in place a policy document — the Strategic Plan for Rural Development since 2008. This is a twelve (12) year plan, which set forth broad objectives and strategies for the development of rural communities. Though it does not focus on women specifically, issues affecting rural women were considered in its design.

The indigenous population in Saint Vincent and the Grenadines is spread out over several communities with the majority residing in the Constituency of North Windward. One has to be careful in making a correlation between the predominance of the people of Amerindian descent in the Georgetown/ Sandy Bay Census Division in which North Windward constituency falls, and the level of poverty. The situation which is described in the report can be attributed to several factors including remoteness and culture, not necessarily ethnicity, as similar level of poverty is seen in other remote communities such those in the Chateaubelair and Colonaire Census Divisions, which have little or no Amerindian descendants.

However, in the absence an explicit policy targeting rural and indigenous women there are projects designed and implemented to bring social and economic benefits primarily to these groups. Besides the government organizations, programmes such as the Basic Need Trust Fund (BNTF), and other Civil Society organizations have been implementing projects, in the North Windward area and in other rural communities where women are the primary beneficiaries.

BNTF, for instance, has considered gender as an important cross-cutting theme and has encouraged female participation in its interventions at the community level. It has sponsored projects to allow women access to social services and economic development. These include:

- Skills training — hairdressing and cosmetology, vegetable production, leadership, garment manufacturing, plumbing, electrical installation and culinary arts
- Daycare services — to permit safe places for children of mothers who work or are seeking employment
- Market — to permit vending of agricultural produce, art and craft.

The Ministry of Agriculture through the Rural Transformation Unit recently completed a project with rural and indigenous women, aimed at fostering economic development.

Access to social services is provided to all Vincentian through the government's Social Safety-net programmes. There are several of such Social Safety Net programs. The *Re-entry of Teen Mothers into the Secondary School System* is the most beneficial to rural women. Since the inception of the programme in 2003, 227 teen-mothers have re-entered secondary schools across Saint Vincent and the Grenadines. Currently 61 of them are in rural schools.

In relation to **access to transportation**, the rural communities have seen a significant improvement in roads. Since 2008 BNTF alone has constructed nearly 8.5 km of paved access roads in ten (10) communities, hence providing access to rural residents in those areas. The construction of the Yourmei Bridge in the North Windward constituency has proved beneficial to all indigenous persons in that constituency. An area that was almost impassable when there is heavy rain. There are other such projects in many other rural communities. However much can be done to improve feeder roads, which by nature would benefit rural women who comprise 2311 out of the 7006 registered farmers.

Marriage and Family Relations

21. The law does not provide an automatic right to a legal spouse or common law spouse to property acquired during the union. The onus is on the spouse (whether legal or common law) to prove that they contributed to the acquisition of the property and to claim in court, oftentimes by way of constructive trust. This legal position is based on the United Kingdom common law.

There is a framework both through the Organisation of Eastern Caribbean States (OECS) and the Caribbean Community (CARICOM) where the State seeks to work in tandem on legislative measures to guarantee the protection of women in de facto unions, as well as many other gender-related issues.

Optional Protocol and amendment to article 20, paragraph 1

22. Saint Vincent and the Grenadines is currently working towards becoming a party to the Optional Protocol to the CEDAW Convention and accepting the amendment of article 20(1) of the Convention by the end of the year 2015. The State is grateful to the Committee for drawing these two outstanding matters to its attention.

Amendments to fourth to eighth periodic reports of Saint Vincent and the Grenadines

The State of Saint Vincent and the Grenadines craves the indulgence of the Committee in noting the following amendments to the 4th to 8th Periodical Report:

1. Page 35 of the report reads: *"With respect to the Application for Passports, it must be noted that there is a requirement that women of unions outside of marriage are required to have the father's signature on passport applications for the children of both parties where such fathers name appears on the birth certificate. Sometimes these fathers are not supporting the children or have not been part of the women's life for years. Fathers applying for passports in similar circumstances are not required to have the children's mother sign the application."*

Upon reviewing the report, it is submitted that the response given with regards to the information provided with regards to the application for passports is inaccurate. There is no requirement the father sign the passport application of a child who lives with his or her mother. There is no such requirement in the Passport Act neither is such a requirement imposed in practice.

2. On page 29 of the report it is stated in relation to the Domestic Violence (Summary Proceedings) Act that "there are no penalties for breach of an occupation order". There are, indeed, penalties for breach of an occupation order. While the Domestic Violence (Summary Proceedings) Act does not provide a penalty for the breach of an occupation order, section 115 of the Criminal Code provides that:

> *"Any person who wilfully disobeys any order, warrant or command duly made, issued or given by any court, officer or person acting in any public capacity and duly authorised in that behalf, is guilty of an offence and liable to imprisonment for two years".*

Thus, the Criminal Code provides a penalty for the breach of an occupation order. A person who breaches an occupation order is guilty of an offence and liable to imprisonment for up to two years.